

REMARKS

Claims 1-77 are pending in this application. In an Office Action mailed December 23, 2005 ("OA"), the Examiner rejected claims 1-15, 26, 27, 29, 31, 34-36, 46, 49-68, 71, and 73-76 and objected to claims 16-25, 28, 30, 32, 33, 37-45, 47, 48, 69, 70, 72, and 77 as having allowable subject matter but depending from rejected claims. In this response, Applicants amend claims 8, 26, 49, and 62. Applicants further amend the specification to correct a few minor typographical errors and submit that no new matter is being added by the amendments. Applicants respectfully traverse the rejections and request reconsideration based on the following remarks.

In addition, Applicants do not automatically agree with or acquiesce in the Examiner's characterization of the claims or the prior art, even if those characterizations are not addressed herein.

Claim Rejections under 35 U.S.C. § 112

The Examiner rejected claims 8-11, 26, 49-58, 62, and 63 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as their invention.

The Examiner rejected claim 8 because the phrase "configuring a plurality of operators of services on the node" is not clear what the Applicants are claiming. In this response, Applicants amend claim 8 to better clarify the claimed invention. Thus, Applicants respectfully submit that claim 8 is definite and thereby overcomes the rejection. Claims 9-11 depend on claim 8 and overcome the rejection for the same reasons as claim 8.

The Examiner rejected claim 26 holding that the phrase “specifying a regular expression” is unclear because the term “regular” is indefinite. In this response, Applicants amend claim 26 to better clarify the claimed invention. Thus, Applicants respectfully submit that claim 26 is definite and thereby overcome the rejection.

The Examiner rejected claims 49-58, 62, and 63 as allegedly being indefinite. In this response, Applicants amend claims 49 and 62 to better clarify the claimed invention. Thus, Applicants respectfully submit that claims 49 and 62 are definite and thereby overcome the rejections. Claims 50-58 and 63 depend on claims 49 and 62, respectively, and overcome the rejections for the same reasons as claims 49 and 62.

Further, if the Examiner is not persuaded by the arguments above, Applicants respectfully request the Examiner to further explain why he feels that these claims are indefinite.

Claim Rejections under 35 U.S.C. § 103(a)

To establish a prima facie case of obviousness, MPEP § 2142 requires that (1) the prior art reference must teach or suggest all claimed elements, (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference, and (3) there must be a reasonable expectation of success. At least one of these requirements was not established with respect to the rejection based on U.S. Pub. No. 2004/0068533 (“Tenhunen”) in view of U.S. Pub. No. 2002/0169776 (“Tuunanen”).

Claims 1-7, 12-15, 27, 29, 31, 34-36, 46, 59-61, 64, 74, and 75

The Examiner rejected claims 1-7, 12-15, 27, 29, 31, 34-36, 46, 59-61, 64, 74, and 75 as being unpatentable over Tenhunen in view of Tuunanen. Applicants respectfully traverse the rejection.

Claim 1 recites "processing communication passing through the node, including monitoring the communication to identify matches to the configured detection point; and on identifying a match to the configured detection point, notifying service logic for the service of the detection point." On page 3 of the OA, the Examiner listed various features of Tenhunen and then stated that "Tenhunen is silent on monitoring communication to identify matches and service logic." *Id.* Consequently, the Examiner provided Tuunanen to supplement Tenhunen's deficiencies in order to reject the present application.

But Tuunanen is not prior art. On April 9, 2002, the Tuunanen application was filed in the United States and the US filed application claimed priority to PCT/EP00/08591, which was originally filed on September 1, 2000 and subsequently published on March 7, 2002. Tuunanen claims priority to an international application that was filed prior to November 29, 2000. MPEP § 706.02(a)(II)(A) states that "[n]o international filing dates prior to November 29, 2000 may be relied upon as a prior art date under 35 U.S.C. 102(e) in accordance with the last sentence of the effective data provisions of Pub. L. 107-273...[p]ublications of international applications filed before November 29, 2000 (which would include WIPO publications and U.S. publications of the national stage (35 U.S.C. 371)) do not have a 35 U.S.C. 102(e) date at all (however, such publications are available as prior art under 35 U.S.C. 102(a) or (b) as of the publication date)." MPEP § 706.02(f)(1) provides a few examples (Example 6 being the

most relevant) regarding the examination guidelines for applying references under 35 U.S.C. 102(e). Because Tuunanen claims priority to PCT/EP00/08591, which was filed prior to November 29, 2000, the Examiner cannot rely upon the September 1, 2000 filing date of PCT/EP00/08591. The PCT application published on March 7, 2002, and Tuunanen U.S. patent application was filed on April 9, 2002, both dates being after the present application's filing date of February 2, 2002. Thus, Tuunanen does not qualify as prior art. Therefore, the Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2-7, 12-15, 27, 29, 31, 34-36, 64, 74, and 75 are dependent upon claim 1 and are patentable for at least the same reasons as claim 1.

Claims 46, 59, and 61 include similar limitations to claim 1 and are patentable for at least the same reasons as claim 1.

Claim 60 is dependent upon claim 59 and is patentable for at least the same reasons as claim 59.

Claims 65-68, 71, 73, and 76

The Examiner rejected claims 65-68, 71, 73, and 76 as being unpatentable over Tenhunen in view of Tuunanen and U.S. Publication No. 2004/0022237 ("Elliott"). Applicants respectfully traverse the rejection.

Elliott does not overcome the deficiencies of Tenhunen in view of Tuunanen regarding claim 1. Claims 65-68, 71, 73, and 76 are dependent upon claim 1 and are patentable for at least the same reasons as claim 1. Therefore, claims 65-68, 71, 73, and 76 are allowable over Tenhunen in view of Tuunanen and Elliott.

Allowable Subject Matter

Claims 16-25, 28, 30, 32, 33, 37-45, 47, 48, 69, 70, 72, and 77 are objected to as being dependent upon its corresponding rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of its corresponding base claim and any intervening claims. Applicants thank the Examiner for indicating allowable subject matter. But, as stated above, Applicants submit that independent claims 1 and 46 are allowable over the prior art.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

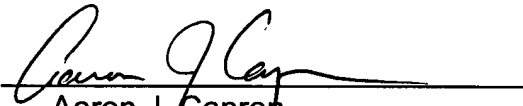
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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